

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES**

Adversary Title : Zarate v. Countrywide Bank, N.A. **Case No :** 12-26252 – C – 13
et al

Adv No : 12-02166 – C
Date : 8/28/12
Time : 02:00

Matter : [14] – Motion/Application to Dismiss OPPOSED
Case/Proceeding [ES-1] Filed by Defendants
Bank of America, N.A., Bank of New York
Mellon, Countrywide Bank, N.A., Countrywide
Home Loans Servicing, LP., Mortgage
Electronic Registration Systems, Inc.,
Recontrust Company, N.A. (Itas)

Judge : Christopher M. Klein
Courtroom Deputy : Danielle Hendricks
Reporter : Diamond Reporters
Department : C

APPEARANCES for :

Movant(s) : Plaintiff's Attorney – Anh V. Nguyen

Respondent(s) :
(by phone) Defendant's Attorney – Bruce Cornelius, Ethan Schatz

MOTION was :
Findings of fact/conclusions of law stated orally on record
Granted

The court will issue a minute order.

Local Rule 9014–1(f)(2) motion, opposition filed.

Proper Notice Provided. The Proof of Service states that the Motion and Notice of Hearing were served on Debtors attorney, Chapter 13 Trustee and the US Trustee on July 12, 2012. By the courts calculation, 47 days notice was provided. 21 days notice is required.

The courts decision is to grant the Motion to Dismiss, with leave to replead.